

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.
CONTEMPT PETITION NO. 62 OF 1988

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders.

Court's or
Judge's orders.

CORAM: B.H. MARLAPALLE, J.
Date : October 05, 2005.

P.C.:

1. This suo motu contempt petition arose from the custody of a minor child. The contemnor - father was granted visiting rights and the minor son's custody was with the mother as per the order of the court. It appears that the father received the custody of the child on 25/6/1988 pursuant to the order passed by this court on 21/6/1988 and he was to put the child back in the mother's custody in the morning of 27/6/1988. He did not do so and neither the contemnor nor the child was traceable. Non-bailable warrant was issued against the respondent vide the order dated 19/7/1988.

2. The Inspector of Police,

CBI (Special Crime) Bombay filed an affidavit stating that inspite of all possible efforts made by him the warrant could not be served on the contemnor. During last about 17 years of pendency of this Contempt Petition the contemnor could not be traced and the contempt notice consequently could not be served. The efforts made by the police machinery pursuant to the orders passed by this court from time to time have been proved to be futile and the contemnor's whereabouts are not known. Even with the passage of time, the child may have attained majority by now and would be free to exercise/decide either to be with the mother or the father and, therefore, this contempt petition will have to be disposed as infructuous.

3. Hence, the contempt petition is dismissed as infructuous.

(B.H. Marlapalle, J.)